

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed March 8, 2005. At the time of the Office Action, Claims 1-18 were pending in this Application. Claims 1-18 were rejected. Claims 1, 4, 12, 15 and 18 have been amended to further define various features of Applicant's invention. Claim 2 has been cancelled without prejudice or disclaimer. Applicant respectfully requests reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 112

Claims 1-11 were rejected by the Examiner under 35 U.S.C. §112, second paragraph, as being indefinite and failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended Claim 1 to overcome these rejections and respectfully request full allowance of Claims 1-11.

Rejections under 35 U.S.C. §103

Claims 1-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0133902 by Robert W. Luffel et al. ("Luffel") in view of U.S. Patent No. 4,903,252 issued to Katsufusa Tanaka et al. ("Tanaka").

Applicant respectfully traverses and submits the cited art does not render the claimed embodiment of the invention obvious, because Luffel and Tanaka fail to disclose, teach or suggest each and every element of the claimed embodiments. In order to make obvious Applicant's claimed invention, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

For example, Independent Claims 1, 12 and 18 each recite a data storage system that includes, among other elements, a shaft that is "*open on its upper side and its lower side so that an integral open shaft is created through all module housings when two or more module housings are stacked on top of one another.*"

The Luffel references teaches a system of handling and storing data cartridges. See page 1, paragraph 0001. Luffel describes a "juke box" type data storage system with an open area between data storage cartridges 18 and cartridge read/write device 48 for a translation apparatus 10 to operate. See Figs. 1 and 4. Luffel clearly incorporates at least a lower

housing or plate beneath this open area. Accordingly, Luffel fails to disclose, teach or suggest a shaft that is open on its upper and lower side as recited.

Similarly, the Tanaka reference teaches a disc file apparatus with an open area between a stocker 2 for holding discs and column 57 to allow movement of carriage 6. See Figure 6. Stocker 2 and column 57 are both mounted to base. See Col. 6, lines 50-51 and Fig. 6. Accordingly, Tanaka also fails to disclose, teach or suggest a shaft that is open on its upper and lower side as recited.

For at least these reasons, Applicant respectfully submits that the cited combination cannot render obvious Independent Claims 1, 12 and 18 because Luffel and Tanaka considered alone or in combination fails to disclose, teach or suggest each and every claimed limitation. Applicant requests reconsideration, withdrawal of the §103 rejection and full allowance of Independent Claims 1, 12 and 18, and Claims 3-11 and 13-17 which depend therefrom.

Change of Correspondence Address

Applicant respectfully requests that all papers pertaining to the above-captioned patent application be directed to Customer No. 31625 and all telephone calls should be directed to Bruce W. Slayden, II at 512.322.2606. Applicant encloses a copy of the Change of Correspondence Address for the U.S. Patent and Trademark Office records.

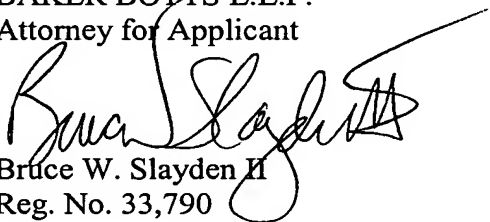
CONCLUSION

Applicant has now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicant respectfully requests reconsideration of Claims 1-18 as amended.

Applicant believes there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512.322.2606.

Respectfully submitted,
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